

PAPER 3



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/893,234 06/26/01 BITTLESTON

S 14.0088

MM91/0924

EXAMINER

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TAYLOR, V

ART UNIT

PAPER NUMBER

2862

DATE MAILED:

09/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/893,234	BITTLESTON, SIMON HASTINGS	
	Examiner	Art Unit	
	Victor J Taylor	2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 June 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) 2-13 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 June 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____    | 6) <input checked="" type="checkbox"/> Other: <i>Office Action</i> .        |

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## **DETAILED ACTION**

### ***Drawings***

1. The corrected or substitute drawings were received on 26 June 2001 . These drawings are approved by the drafts person, see attached USPTO form 948, paper 3.

### ***Claim***

2. The preliminary amendment was received 26 June 2001, claims 2-13 were cancelled by the applicant.

### ***Claim Rejections - 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fowler in US 4711194.

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With regard to claim 1, Fowler discloses the limitations of ; a control device for controlling the position of a marine seismic streamer, (see figure 3 all elements and the streamer cable bird, mounted in series with the streamer cable element 14.),

Fowler further discloses the limitation of the device comprising a body mechanically connected in series, (see element 10 in figure 1), between two adjacent sections of the streamer, (see element 12 and element 14 in figure 3.),

and further discloses the limitation of the sensor means in the body for determining its angular position in a plane perpendicular to the longitudinal axis of the streamer, (see the depth sensor element 74 in figure 3.),

and further discloses the limitation of two opposed control surfaces projecting outwardly from the body, (see figure 26, two blades on the bird in figure 1.),

and further discloses the limitation of each control surface being rotatable about an axis which in use extends transversely of the streamer, (see the rotating mechanism, comprising motor elements 76, with gear elements 82 and 78, with rotatable wings and lever elements 84 and 26 in figure 3.),

and further discloses the limitation of the control means responsive to control signals and the sensor means for independently adjusting the respective angular positions of said two control surfaces so as to control the lateral position of the streamer as well as its depth, (see the electronic circuit control means element 70 in combination with the sensors elements 74,

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and further discloses the limitation of the mechanical leverage means elements 84 and 82 with 78, all in figure 3.), and in combination with the cable positioning and leveling and rigid adapter module in column 1 lines 12-16.

*Final*

5. This is a continuation of applicant's earlier Application No. 09/284030. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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**Prior Art**

6.. The prior art made of record and not relied upon is considered pertinent to applicant;

Kuche, US 5619474, is cited for the depth control of seismic streamers.

Chien, US 6011753, is cited for control of external devices on seismic streamers.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Taylor whose telephone number is (703) 305-4470. The examiner can be reached on work days, Monday to Friday, from 8:30 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christine Oda can be reached on (703) 305-4908. The fax phone number for the organization where this application is assigned is (703) 308-7382. Any inquiry of a general nature relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0956.

*Victor J. Taylor*  
Victor J. Taylor  
**VICTOR J. TAYLOR**  
**PATENT EXAMINER**

*DONALD E. McELHENY, JR.*  
DONALD E. McELHENY, JR.  
PRIMARY EXAMINER

SPE